

Rec'd PCT/PTO 18 AUG 2005

Docket No.: KSM-0228/CIP
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#6

In re Patent Application of:
Shinjiro Ogita et al.

Application No.: 10/521,244

Confirmation No.: 7196

Filed: January 14, 2005

Art Unit: N/A

For: PROCESS FOR PRODUCING A DECAFFEINATED
COFFEE PLANT BY GENETIC RECOMBINATION

Examiner: Not Yet Assigned

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements mailed August 3, 2005, Applicant respectfully submits a Combined Declaration and Power of Attorney, a Supplemental Information Disclosure Statement, an Information Disclosure Citation (PTO SB/08), a Claim for Priority (35 USC 119) and Submission of Documents, and Copy of Notification.

Please charge our Deposit Account No. 18-0013 in the amount of \$130.00 covering the fee set forth in 37 CFR 1.492 (e). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 18-0013, under Order No. KSM-0228/CIP.

Dated: August 18, 2005

08/23/2005 ATRANI 00000080 10521244

01 FC:1617 130.00 DA

Respectfully submitted,

By 
David T. Nikaido

Registration No.: 22,663

Lee Cheng

Registration No.: 40,949

RADER, FISHMAN & GRAUER PLLC

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Attorneys for Applicant

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER KSM-0228/CIP
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/521,244
INTERNATIONAL APPLICATION NO. PCT/JP03/09008	INTERNATIONAL FILING DATE 16 July 2003	PRIORITY DATE CLAIMED 16 July 2002
TITLE OF INVENTION PROCESS FOR PRODUCING A DECAFFEINATED COFFEE PLANT BY GENETIC RECOMBINATION		
APPLICANT(S) FOR DO/EO/US Shinjiro Ogita et al.		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ Supplemental Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Response to Notification of Missing Requirements; Form PCT/IB/306; Claim for Priority w/Certified Copy of Priority Documents

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/521,244		PCT/JP03/09008		KSM-0228/CIP	
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee\$300				\$	
22. <input type="checkbox"/> Examination fee					
If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)\$100					
All other situations\$200				\$	
23. <input type="checkbox"/> Search fee					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority\$100					
International Search Report prepared and provided to the Office\$400					
All other situations\$500				\$	
TOTAL OF 21, 22 and 23 =				\$	0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x	\$	
Independent claims	- 3 =		x	\$	
MULTIPLE DEPENDENT CLAIM(s) (if applicable)			+	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	0.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$	
SUBTOTAL =				\$	0.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				+	\$ 130.00
TOTAL NATIONAL FEE =				\$	0.00
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$ 40.00
TOTAL FEES ENCLOSED =				\$	170.00

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Amount to be refunded:		\$
Amount to be charged:		\$

130.00 DA

a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. _____ in the amount of \$ 170.00 to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 18-0013. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

David T. Nikaido
RADER, FISHMAN & GRAUER PLLC
1233 20th Street, N.W., Suite 501
Washington, DC 20036
(202) 955-3750
Date: August 18, 2005
CUSTOMER NUMBER: 23353

SIGNATURE: _____
David T. Nikaido/Lee Cheng
NAME

22,663/40,949
REGISTRATION NUMBER

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Docket No.: KSM-0228/CIP
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Examiner: Not Yet Assigned

CLAIM FOR PRIORITY AND SUBMISSION OF DOCUMENTS

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby claims priority under 35 U.S.C. 119 based on the following prior foreign application filed in the following foreign country on the date indicated:

<u>Country</u>	<u>Application No.</u>	<u>Date</u>
Japan	2002-207221	July 16, 2002

In support of this claim, a certified copy of the said original foreign application is filed herewith.

Dated: August 18, 2005

Respectfully submitted,

By 
David T. Nikaido

Registration No.: 22,663

Lee Cheng

Registration No.: 40,949

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